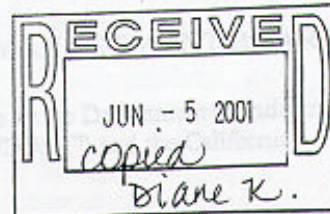


Memorandum

To : Bonnie Bruce
Acting Executive Director
California Integrated Waste Management Board
1001 "I" Street, P.O. Box 4025, Sacramento, CA 95814-4025

Date: May 21, 2001

From : Department of Industrial Relations
Division of Occupational Safety and Health
John Howard, Chief



Subject : Rescinding the 1999 Interagency Memorandum of Understanding

In 1999 our agencies entered into the attached Memorandum of Understanding (MOU) regarding the referral of worker safety issues observed at Transfer/Processing Operations and Facilities. At that time your agency revised your regulations for that industry and removed any worker safety requirements that potential conflicted with the jurisdiction and Title 8 regulation of our agency. To assist local enforcement agencies (LEA) that enforce your requirements and in the process observe possible worker safety hazards, the MOU established a referral process for the LEA to obtain a timely response on any worker safety concern referred to one of our District offices.

In 2000, Assembly Bill 1127 made several programmatic revisions to our agency which are summarized in the attached document posted on our website. One of the AB 1127 revisions expanded the definition of a complainant in Labor Code 6309 to give government agencies like an LEA the right to file formal complaints with our agency. A formal complaint filed by an LEA alleging a worker safety hazard will result in our District Office sending an inspector to the site within 14 working days and letter will be sent to the OEA with the results of that inspection.

Since the recent revisions to Labor Code 6309 give LEA a more effective means of forwarding complaints about possible worker safety concerns to our agency than the non-statutory provisions of the 1999 MOU, the MOU is no longer necessary and should be rescinded. Therefore, unless you notify me to the contrary of a possible reason to maintain the MOU, I hereby consider the attached 1999 MOU rescinded.

If you have any questions or you would like our staff to participate in future LEA trainings on this matter please feel free to contact Steve Smith, DOSH Supervising Industrial Hygienist at 916-574-2996.

Attachments.

cc: S. Smith, DOSH
J. Nauman, CIWMB